

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ricardo S. Sherard, #146882,)	
)	Civil Action No. 6:09-1705-HMH-WMC
Petitioner,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
South Carolina Department of)	
Probation, Parole and Pardon Services;)	
and Cecilia Reynolds, Warden of)	
Kershaw Correctional Institution,)	
)	
Respondents.)	
_____)	

The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2254. On September 8, 2009, the respondents filed a motion to dismiss. By order of this court filed September 9, 2009, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. On December 1, 2009, after receiving two extensions of time, the petitioner filed a motion for voluntary dismissal of the case.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that the petitioner's motion to dismiss be granted.

s/William M. Catoe
United States Magistrate Judge

December 2, 2009

Greenville, South Carolina